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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,677	06/24/2003	Masahiko Kawahara	10877.0054US01	8278
23552	7590	12/14/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/608,677

Applicant(s)

KAWAHARA, MASAHIKO

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11102003
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Request for Continued Examination***

A request for continued examination under 37 CFR 1.114 including the fee set forth in 37 CFR 1.17(e) was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17 (e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22, 2004 has been entered.

***Specification Objections***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP §608.01(o). Correction of the following is required: The specification does not include a written statement that there is a "guide column being provided generally perpendicular to the fastener tapes" (claim 1, line 9; claim 8, line 9) or that there is "a guide column constructed to perpendicularly engage fasteners tapes" (claim 5, line 2).

***Claim Objections***

Claim 5 is objected to because of the following informalities: The term "fasteners" (line 2) should read --fastener--. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

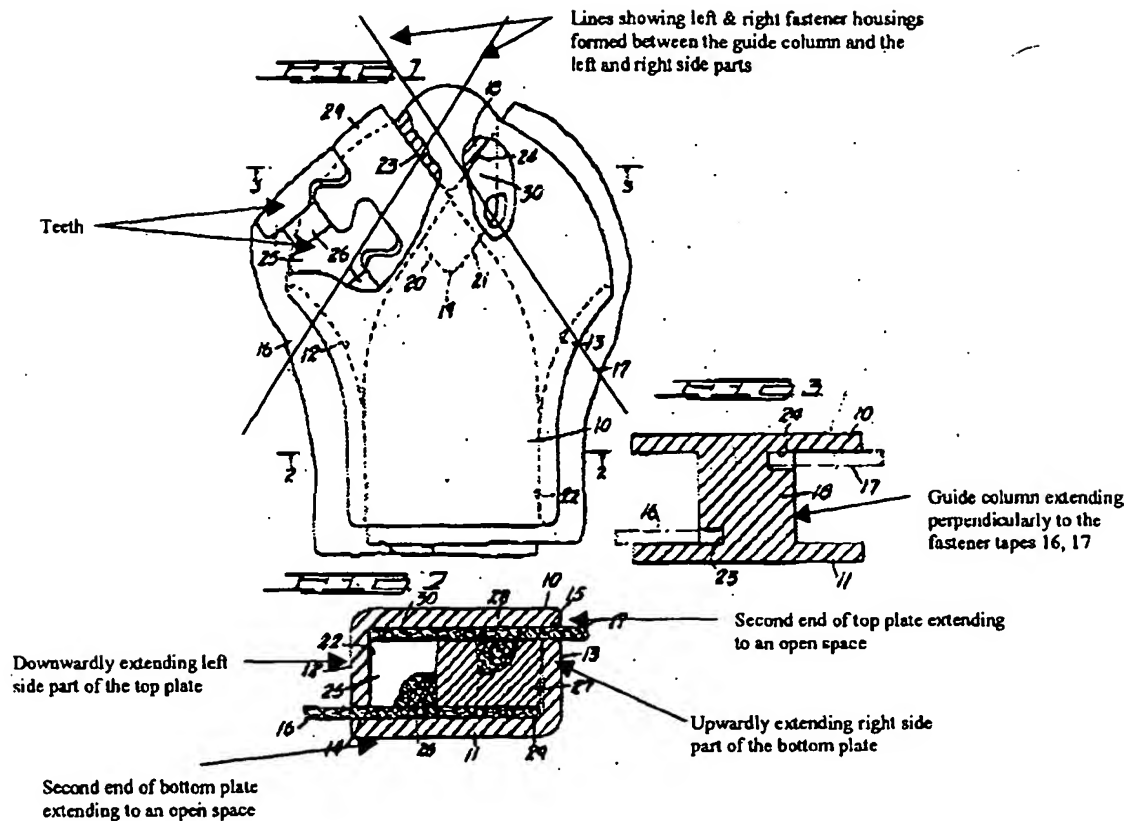
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Morin (US 3129479) in view of Marinsky (US 2325332).

Morin (figure 1-3) teaches a slide fastener comprising a pair of fastener tapes 16, 17 each having a fastener element in the form of teeth 25, 27 for engagement, the fastener elements protruding from the respective tapes and engaging with each other, thereby making it possible for the pair of fastener tapes to be joined one above the other; and a slider for closing and opening the fastener tapes, the slider having a guide column 18 and a top plate provided above the guide column and a bottom plate provided below the guide column; the guide column 18 being provided generally perpendicular to the fastener tapes the top plate 10 including a first end and a second end the first end extending downward and forming a left side part 12 while the second end extends to an open space; the bottom plate 11 including a first end and a second end, the first end extending upward and forming a right side part 13 while the second end extends to an open space; and wherein left and right fastener element housings are formed between the guide column and the left and right side parts.

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The difference is that the left and right fastener element housings admit the fastener tapes therein. However, Marinsky (figures 1-6) teaches overlapping tape structure 10, 11 with a slider structure that does not admit the fastener tapes, while admitting the interengaging teeth so as to provide easier assembly. As easier assembly of the fastener of Morin is desirable, it would have been obvious to modify the slider and interengaging teeth so that the fastener tapes are not admitted into the slider as taught to be desirable in the overlapping fastener tapes of Marinsky so as to permit easier assembly. In regard to claim 2, figure 1 and 2 show that the fastening teeth 25, 27 are spaced from the edges of the fastener tapes 16, 17 by the portions 29, 30 of the tapes.

As to claim 5, Morin (figures 1-3) teaches slide fastener structure for closing and opening fastener tapes comprising: a guide column 18 constructed to perpendicularly engage fastener

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tapes 16, 17; a top plate 10 provided above the guide column and a bottom plate 11 provided below the guide column; the top plate 10 including a first and a second end, the first end extending downward and forming a left side part 12 and the second end extending to an open space; the bottom plate 11 including a first end and a second end, the first end extending upward and forming a right side part 13 and the second end extending to an open space; and wherein left and right fastener element housings are formed between the guide column and the left and right side parts. While Morin does not teach the left and right fastener element housing preventing the fastener tapes from entering therein, such structure would have been obvious in view of Marinsky for the reasons given above.

Claims 3 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Morin (US 3129479) in view of Marinsky (US 2325332) as applied to claim 1 above, and further in view of Wahl (US 2303870).

Further modification of the slide fastener of Morin such that teeth are used rather than coils would have been obvious in view of Wahl (figures 9 and 14) teaching that it is well established to utilize interengaging coils 55, 59 as the fastener elements spaced from the edges of overlapping fastener tapes so as to provide a structure more easily assembled, a beneficial result. As to claim 6, the provision for a pull on a side part of a slider of a slide fastener is conventional as taught by Wahl utilizing the pull 71 on a side part of the slider. Since it would be advantageous to make manipulation of the slider of the device of Morin easier to manipulate, it would have been obvious to provide the slider of Morin with a pull on a side part of the slider in view of Wahl teaching the use of such structure to be old and well known for helping to manipulate a slider.

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Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Morin (US 3129479) in view of Marinsky (US 2325332) and Wahl (US 2303870) as applied to claim 6 above, and further in view of Hanson et al. (US 5730498).

Further modification of the slider of Morin as modified by Wahl above such that the pull is provided with a string would have been obvious in view of Hanson et al. (figures 1, 2) teaching that it is well known to provide the pull with string 29 so as to more easily manipulate the slider when it is covered.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

Claim 8 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The closest art is Morin (US 3129479) and the reasons for allowability of claim 8 provided by applicant in the response received October 22, 2004 on page 5, line 20 through page 6, line 7 are incorporated herein.

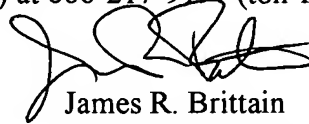
#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB